

**UNITED STATES BANKRUPTCY COURT
District of Nebraska**

In Re: Specialty Retail Shops Holding Corp.
Debtor(s)

ShopKo Stores Operating Co., LLC
Plaintiff(s)

Bankruptcy Proceedings No. 19-80064-TLS
Adversary Proceedings No. 20-08009-TLS

v.

Chapter 11

Incipio, LLC
Defendant(s)

PRELIMINARY PRETRIAL ORDER

The Court finds that the parties shall be required to prepare a **Joint** Preliminary Pretrial Statement regarding this adversary. (Please note the new provisions regarding motions for summary judgment)

IT IS ORDERED, that counsel for all parties shall prepare, sign and file with the Clerk of the United States Bankruptcy Court on or before **September 8, 2020**, a **joint** document captioned "Joint Preliminary Pretrial Statement" which is to include:

1. A summary of plaintiff's or proponent's theory of the case and defendant's or opponent's defense or objections;
2. A statement addressing whether the proceeding is core or non-core;
3. A statement addressing whether the parties consent to entry of final orders or judgments by a bankruptcy judge;
4. A statement addressing whether a jury trial has been properly and timely demanded. If a party has demanded a jury trial, that party must file a motion for withdrawal of the reference by the district court by the date the Joint Preliminary Pretrial Statement is filed. Failure to file a motion to withdraw the reference shall constitute a waiver of the right to a jury trial.
5. A summary of the uncontroverted facts;
6. A summary of the controverted facts and unresolved legal issues;
7. A summary of the evidence, e.g., witnesses, exhibits and depositions to be relied upon to establish each of the controverted facts;.
8. A statement as to which exhibits are admitted without objections;
9. A statement of the estimated number of hours required for trial;
10. A statement of the date by which motions for summary judgment, if any, shall be filed;
11. A statement of the date, and after the deadline for filing motions for summary judgment, by which counsel will be prepared for trial;
12. A statement of the date by which parties will confer on scheduling a mediation.

The preliminary pretrial statement shall be binding between the parties according to its terms.

If parties settle this matter before the date scheduled above, please inform the Courtroom Deputy, and comply with Neb. R. Bankr. P. 9019-1, if applicable.

Dated: 7/10/20

Thomas L. Saladino
Chief Judge

Copies mailed by the court to: all interested parties.